UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,121	08/15/2001	Toyoaki Kishimoto	212668US6	1335

22850 7590 08/24/2007	EXAMINER
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.	TESLOVICH, TAMARA
1940 DUKE STREET	
ALEXANDRIA, VA 22314	

ART UNIT	PAPER NUMBER
2137	

NOTIFICATION DATE	DELIVERY MODE
08/24/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	09/929,121	KISHIMOTO, TOYOAKI
	Examiner	Art Unit	
	Tamara Teslovich	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 June 2007</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1 and 3-12</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1, 3-12</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 3,

2007 has been entered.

Claim 2 remains cancelled.

Claims 1 and 9 are amended.

Claims 1 and 3-12 are pending and herein considered.

Response to Arguments

Applicant's arguments filed May 3, 2007 have been fully considered but they are

not persuasive.

In response to the Applicant's arguments concerning Levergood and Karani's

failure to teach or disclose "registering from a device other than the mobile information

terminal" the Examiner respectfully disagrees. Drawing the Applicant's attention first

and foremost to column 5 lines 2-17 of Levergood, the Examiner reminds Applicant of

Levergood's teachings regarding the connections of devices using systems such as

American Online and Compuserve. Both of these services require a user to contact and

register their devices via telephone with a service in order to procure the necessary

passwords and phone numbers to sign on. Levergood goes on to provide for the user

of Bulletin Board Systems (BBS) as well, systems known to run software allowing user

to connect to the internet and servers, systems which require a user to register unique

identification information used to identify their machines. Levergood goes on in column

8 line 59 thru column 9 line 6 to provide for subscription services which allow for a user

to register their unique information with a server including location and financial

information before being allowed to access the server online. Throughout Levergood's

teachings, it is clear that he does not in fact require the unique identification information

of the device to be entered by that device. Instead Levergood allows for a number of

different situations wherein a user may contact a service by any means available to

register unique identification and financial information so that when the time comes for

them to access a server using their mobile device, their information will already be

included within the authorized database and they will be allowed to retrieve the

information they may have requested.

In view of the abovementioned arguments, the Examiner maintains her 35 USC

103 rejection of claims 1 and 3-12 amended below in accordance with the Applicant's

amendments.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 3-12 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Levergood et al. (US Patent 5,708,780), and further in view of - Kirani (US Patent Application Publication 2002/0032027 A1).

Regarding **Claim 1**, Levergood teaches a user authentication method for an authentication server which executes user authentication between a [client] and a content providing server interconnected by an open network, comprising the steps of: registering, from a device other than the mobile information terminal, unique identification information of said [client] with a customer database of said authentication server in advance (see column 3 lines 21-43); decoding the unique identification information encrypted by a predetermined encryption algorithm and supplied from said [client] terminal via said open network (see col.7 paragraph 1); determining whether the unique identification information decoded in the decoding step is registered with said customer database (see col.3 lines 29-32; col. 6 lines 36-65); and sending a notification to said content providing server that starting of service provision for said [client] be permitted, if the unique identification information is found registered with said customer database in the determining step (see col.3 lines 43-48 reference ""content server receives a URL request accompanied by an SID"); and presenting, to said mobile information terminal, a recommended menu including site access information for

accessing a plurality of predetermined content providing servers (see Levergood et al. col.8 lines 27-58 reference ""customize user requested pages to include personalized content"); wherein a process in which site access information selected by a user of said mobile information terminal from said recommended menu displayed on said mobile information terminal is registered with said customer database in relation with the unique identification information of said mobile information terminal is included in the registering step (see Levergood et al. col.4 lines 32-42).

Levergood fails to teach the abovementioned system wherein the client is a "mobile information terminal" and wherein "said unique identification information is stored in said mobile information terminal and comprises information identifying a manufacturer of the mobile information terminal".

Kirani teaches a media spooler system and methodology providing efficient transmission of media content between wireless devices and other wireless devices or servers (Abstract). Kirani's system includes a plurality of wireless devices attempting to communicate with target hosts or servers and a media spooler/gateway acting as a gateway between the devices and the servers. Each of Kirani's wireless devices includes its own identification code (par 95), including but not limited to an international mobile equipment ID assigned by and specific to the phone manufacturer (Table 5).

It would have been obvious to a person of average skill in the area at the time of the invention to include within Levergood the wireless capabilities and mobile identifier as described in Kirani in order to provide for users connected to the Internet and other

media and document servers via mobile information terminals such as cellular phones

and other handheld devices in a secure manner.

Regarding *Claim 3*, the combined method of Levergood and Kirani teaches the

user authentication method according to Claim 2, wherein, in the registering step, when

registering said site access information with said customer database, user

authentication is performed on the basis of said unique identification information before

this registration and said mobile information terminal requested to make display for

prompting said user to enter a password of the user (see Levergood et al. col.6 lines 44-

49 reference "causes the client browser to prompt the user for credentials, a preferred

credential query typically consists of a request for user name and password"), while,

subsequent to the registration with said customer database, an access request is made

on the basis of the site access information already registered with said customer

database, the user authentication on the basis of said unique identification information

is performed but the request for the display for prompting the user to enter the user's

password is omitted (see Levergood et al. col.6 lines 40-44 reference "forgo the

credential check procedures").

Regarding *Claim 4*, the combined method of Levergood and Kirani teaches the

user authentication method according to Claim 3, wherein, in the registering step, a

charging server is instructed to charge said user for the use of a service provided by

said content providing server associated with said site access information at the time of

registering said site access information with said customer database (see Levergood et

al. col.9 lines 1-6 reference "a user may be charged and billed each time she accesses

a particular document through the internet").

Regarding *Claim 5*, the combined method of Levergood and Kirani teaches the

user authentication method according to Claim 4, wherein, in the registering step, a

confirmation step for confirming, before instructing said charging server for the charging,

that said user is a registered user of said charging server is included (see Levergood et

al. col.9 lines 1-6).

Regarding *Claim 6*, the combined method of Levergood and Kirani teaches the

user authentication method according to claim 1, wherein said open network is the

Internet, through which the unique identification information is transmitted as encrypted

by the predetermined encryption algorithm by a Web browser installed on said mobile

information terminal (see Levergood et al. col.3 lines 8-23).

Regarding *Claim 7*, the combined method of Levergood and Kirani teaches the

user authentication method according to Claim 6, wherein unique identification

information is read, by said Web browser, from said mobile information terminal and the

retrieved unique identification information is transmitted as encrypted by the

predetermined encryption algorithm by said Web browser (see Levergood col.3 lines 8-

23) and wherein the unique identification information is read from a flash memory

installed on said mobile information terminal (see Kirani pars. 7, 81, 89, 94-96, 134).

Regarding *Claim 8*, the combined method of Levergood and Kirani teaches the

user authentication method according to Claim 7, wherein said predetermined

encryption algorithm is SSL (Secure Socket Layer) (see Kirani par 222).

Regarding *Claim 9*, Levergood et al. teaches a user authentication server which

executes user authentication between a [client] and a content providing server

interconnected by an open network, comprising registering means for registering unique

identification information of said mobile information terminal [client] received from a

device other than the mobile information terminal with a customer database of said

authentication server in advance (see column 3 lines 21-43); decoding means for

identification information decoding the unique encrypted by a predetermined encryption

algorithm and supplied from said [client] via said open network (see col.7 paragraph 1);

determining means for determining whether the unique identification information

decoded by the decoding means is registered with said customer database (see col.3

lines 29-32; col. 6 lines 36-65); and service permission notice sending means for

sending a notification to said content providing server that starting of service provision

for said [client] be permitted, the unique identification information is found registered

with said customer database by the determining means (see col.3 lines 43-48 reference

""content server receives a URL request accompanied by an SID"); and presenting, to

said mobile information terminal, a recommended menu including site access

information for accessing a plurality of predetermined content providing servers (see

Levergood et al. col.8 lines 27-58 reference ""customize user requested pages to

include personalized content"); wherein a process in which site access information

selected by a user of said mobile information terminal from said recommended menu

displayed on said mobile information terminal is registered with said customer database

in relation with the unique identification information of said mobile information terminal is included in the registering step (see Levergood et al. col.4 lines 32-42).

Levergood fails to teach the abovementioned system wherein the client is a "mobile information terminal" and wherein "said unique identification information is stored in said mobile information terminal and comprises information identifying a manufacturer of the mobile information terminal".

Kirani teaches a media spooler system and methodology providing efficient transmission of media content between wireless devices and other wireless devices or servers (Abstract). Kirani's system includes a plurality of wireless devices attempting to communicate with target hosts or servers and a media spooler/gateway acting as a gateway between the devices and the servers. Each of Kirani's wireless devices includes its own identification code (par 95), including but not limited to an international mobile equipment ID assigned by and specific to the phone manufacturer (Table 5).

It would have been obvious to a person of average skill in the area at the time of the invention to include within Levergood the wireless capabilities and mobile identifier as described in Kirani in order to provide for users connected to the Internet and other media and document servers via mobile information terminals such as cellular phones and other handheld devices in a secure manner.

Regarding *Claim 10*, the combined system of Levergood and Kirani teaches the user authentication server according to Claim 9, wherein said open network is the Internet, through which the unique identification information is transmitted as encrypted

by the predetermined encryption algorithm by a Web browser installed on said mobile
information terminal (see Levergood et al. col.3 lines 8-23).

Regarding **Claim 11**, the combined method of Levergood and Kirani teaches the
user authentication server according to claim 10 wherein unique identification
information is read, by said Web browser from said mobile information terminal and the
retrieved unique identification information is transmitted as encrypted by the
predetermined encryption algorithm by said Web browser (see Levergood col.3 lines 8-
23) and wherein the unique identification information is read from a flash memory
installed on said mobile information terminal (see Kirani pars. 7, 81, 89, 94-96, 134).

Regarding **Claim 12**, the combined method of Levergood and Kirani teaches the
user authentication server according to claim 11 wherein said predetermined encryption
algorithm is SSL (see Kirani par 222).

Conclusion

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Tamara Teslovich whose telephone number is (571)
272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone
number for the organization where this application or proceeding is assigned is 571-
273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T. Teslovich

MATTHEW SMITHERS
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